

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DEITERING, Franz, et al.

Serial No.: 10/662,633

Filed: September 16, 2003

For: ANALYTICAL SURVEY SYSTEM

Examiner: KARDOS, Neil R

Art Unit: 3623

Confirmation No.:9755

RESPONSE TO ELECTION/RESTRICTIONS REQUIREMENT

Mailstop: Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement, dated February 4, 2008, which sets a 30 (thirty) days period for response expiring on March 5, 2008. The Applicants hereby elect invention I, which comprises claims 1-13 and 21-47.

The Office Action further requests that if invention I is selected, Applicants further elect one of the following species.

A. Comparing survey results with one another based on an indicator of business performance and identifying anomalous results (see e.g. paragraph 23 of the specification; claim 1)

B. Comparing survey results with past survey results based on input by a user and generating an output (see e.g. paragraph 25-26 of the specification; claim 36)

C. Comparing survey results to business data based on an indicator of business performance and identifying results that do not meet expectations (see e.g. paragraph 30 of the specification; claim 40)

D. Comparing survey results to targets based on strategic enterprise management objectives and identifying targets that are not being met (see e.g. paragraph 31-35 of the specification; claim 47)

Applicant elect with traverse Species A, claim 1 and its dependent claims 2-13, and generic claim 21 and its dependent claim 22-35. Applicants assert that Species A, B, C and D are closely related with regard to analysis of survey data, therefore they are not separate and distinct as required by MPEP 806.05(d). Further, the Office Action has provided no evidence that there would be a serious burden to the Examiner if the restriction was not required. (MPEP 806.05(d)).

If generic claim 21 is found allowable, Applicants respectfully request independent claims 36, 40 and 47, and their dependent claims to be rejoined and found allowable because they incorporate the features of generic claim 21.

Should there be any questions concerning this matter, the Examiner is invited to contact the Applicants' undersigned attorney.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Office is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

Date: February 28, 2008

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